

and when the reasons for pledging it are no longer existent—But he should hide this infidelity by means of simulation and dissimulation, putting on a mask of piety, humanity, and religion."

Nearly a century later, Shakespeare drew for us his picture of the ideal ruler of men. In the portrait were the accepted virtues of courage and forbearance, of firmness and charity. But the climax of the poet's conception is to be found in half a dozen lines when Henry declares:

"By Jove. I am not covetous for gold;
Nor do care I who doth feed upon my cost;
It yearns me not if men my garments wear,
Such outward things dwell not in my desire.
But if it be a sin to covet honor,
I am the most offending soul alive."

Centuries after Henry or Shakespeare, as Mr. James tells us in his popular biography, in a little Tennessee town a sweet lady said good-bye to her twenty-year old son, marching off to war. As she kissed him, she put on his finger a ring and told him that inside the ring was a motto which must guide his conduct. Fifty years later this man's wife took the ring off his dead finger that she might show it to his children. The motto was still clearly to be seen. It was a single word, Honor.

In Memoriam.

Senator Sanderford moved that the Senate before adjournment rise, for one moment of silent prayer in memory of the late Senator Arthur P. Duggan.

The motion was adopted unanimously by a rising vote.

Adjournment.

At 1:01 o'clock p. m., Senator Holbrook moved that the Senate adjourn until 10 o'clock a. m., Tuesday.

The motion prevailed.

APPENDIX. Committee Report.

Committee Room,
Austin, Texas, Sept. 16, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 2, A bill to be entitled "An Act making an appropriation to pay the contingent expenses, and to pay the mileage and per diem of members and per diem of officers and employees, of the First Called Session of the Forty-fourth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas,
September 17, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-----------|-------------|
| Blackert. | Oneal. |
| Burns. | Pace. |
| Collie. | Poage. |
| Cotten. | Rawlings. |
| Davis. | Redditt. |
| DeBerry. | Regan. |
| Hill. | Sanderford. |
| Holbrook. | Small. |
| Hopkins. | Stone. |
| Hornsby. | Sulak. |
| Isbell. | Van Zandt. |
| Martin. | Westerfeld. |
| Neal. | Woodruff. |

Absent—Excused.

| | |
|-----------|----------|
| Beck. | Moore. |
| Fellbaum. | Shivers. |

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.**S. C. R. No. 1.**

Whereas, The Legislature has been convened in extraordinary session to consider, among other things, the question of providing old age pensions for citizens of this State above the age of sixty-five, under the terms of a recent amendment to the Constitution adopted by a vote of the people on August 24, 1935; and,

Whereas, The Legislature has no reliable information as to the number of persons in Texas entitled to receive said pension; and,

Whereas, Before the Legislature can act with intelligence in passing a law to provide such pension, and to raise funds necessary to pay the same, it is deemed advisable to secure such information for the enactment of such legislation; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Auditor, under the direction of a joint committee composed of members of the Senate and House of Representatives to be appointed by the Lieutenant Governor and Speaker of the House, respectively, in such number as may be deemed advisable by said officers, be authorized to prepare blank registration form that will furnish to the Legislature the facts desired from such persons claiming to be eligible for such pension; that said applicant shall be required to sign and swear to said application form, furnishing the information called for therein, and file the same with the county clerk of his or her county on or before the first day of October, 1935; that the State Auditor shall also prepare a form to be used by the county clerk in making returns from said counties, which will show the number of registrants and such other information as will be called for in the form. It shall be the duty of said county clerk to transmit forthwith said signed applications together with his formal report to the State Auditor at Austin, Texas.

It shall be the duty of the State Auditor to furnish said registration blanks to the county clerks of this State in a reasonable proportion to the number of citizens living in the

respective counties according to the 1930 Federal Census.

The sum of \$750.00 or so much thereof as may be necessary is hereby appropriated to pay the cost of furnishing and printing said blank forms, and the distribution thereof; said blanks to be printed under the direction and supervision of the Board of Control.

**RAWLINGS,
REGAN.**

Read.

Senator Rawlings moved that the rule requiring resolutions to be referred to a committee be suspended and that S. C. R. No. 1 be taken up and considered at this time.

Second Reading Called For.

Senator Oneal called for a second reading of the resolution.

Substitute Motion.

Senator Oneal moved as a substitute that S. C. R. No. 1 be referred to the Committee on Finance, with instructions that the resolution be acted upon in committee today.

Senator Rawlings received unanimous consent to write into the resolution the figures \$750.00.

The Chair stated that the time for discussion of the resolution had expired. The substitute motion lost by the following vote:

Yeas—9.

| | |
|------------------|--------------------|
| Blackert. | Pace. |
| DeBerry. | Poage. |
| Hill. | Sulak. |
| Holbrook. | Westerfeld. |
| Oneal. | |

Nays—14.

| | |
|-----------------|--------------------|
| Collie. | Rawlings. |
| Cotten. | Regan. |
| Davis. | Sanderford. |
| Hopkins. | Small. |
| Hornsby. | Stone. |
| Isbell. | Van Zandt. |
| Neal. | Woodruff. |

Absent.

| | |
|----------------|-----------------|
| Burns. | Redditt. |
| Martin. | |

Absent—Excused.

| | |
|------------------|-----------------|
| Beck. | Moore. |
| Fellbaum. | Shivers. |

The motion by Senator Rawlings prevailed by the following vote:

Yeas—16.

| | |
|-----------|-------------|
| Collie. | Neal. |
| Cotten. | Rawlings. |
| Davis. | Regan. |
| Hill. | Sanderford. |
| Holbrook. | Small. |
| Hopkins. | Stone. |
| Hornsby. | Van Zandt. |
| Isbell. | Woodruff. |

Nays—7.

| | |
|-----------|-------------|
| Blackert. | Poage. |
| DeBerry. | Sulak. |
| Oneal. | Westerfeld. |
| Pace. | |

Absent.

| | |
|---------|----------|
| Burns. | Redditt. |
| Martin. | |

Absent—Excused.

| | |
|-----------|----------|
| Beck. | Moore. |
| Fellbaum. | Shivers. |

S. C. R. No. 1 was adopted by viva voce vote.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Sept. 17, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 6, A bill to be entitled "An Act making an appropriation of the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the First Called Session of the Forty-fourth Legislature of the State of Texas; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said Session or of other persons, authorized either by the Senate or the House of Representatives; providing how accounts may

be approved; providing none of the funds herein appropriated shall be used for the purposes of making any improvements on the State Capitol Building, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Sept. 17, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of one hundred thousand (\$100,000.00) dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, etc., and declaring an emergency."

(With amendment.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Messages From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Sept. 16, 1935.

To the Senate of the Forty-fourth Legislature in First Called Session.

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be State Banking Commissioner: Irvin McCreary, of Coryell County, to succeed E. C. Brand.

To be Members of State Board of Hairdressers and Cosmetologists: Mrs. Faye Stewart, of Bexar County, 6 year term; Mrs. P. A. Houston, of Henderson, Rusk County, 4 year term; Mrs. B. L. Neal, of Wichita County, 2 year term.

To be Chief Justice of the Court of Civil Appeals for the 11th District: W. P. Leslie, of Eastland County, to succeed J. E. Hickman, resigned.

To be Associate Justice of the Court of Civil Appeals for the 11th District: Clyde Grissom, of Haskell County, to succeed W. P. Leslie, appointed as Chief Justice of said court.

To be Members of the State Prison Board: Jos. Wearden, of Victoria County (reappointment); Mrs. Charlotte A. Teagle, of Harris County, to succeed F. L. Tiller, of Fort Bend County; R. W. Miller, of Walker County, to succeed E. H. Astin, of Brazos County.

To be District Judge for the 124th District Court of Gregg County: Will C. Hurst, of Gregg County (reappointment).

To be Members of the State Pharmacy Board: E. M. Joseph, of Travis County (reappointment); Roy E. Phillips, of Bexar County, to succeed John A. Weeks, of Runnels County.

To be Members of the State Board of Dental Examiners: Six year terms: Dr. R. F. Nix, of Dawson County; Dr. B. Carl Holder, of Corpus Christi, Nueces County. Four year terms: Dr. R. T. Weber, of Travis County; Dr. Edward Taylor, of Hunt County. Two year terms: Dr. J. B. Landers, of Potter County; Dr. J. D. Ellington, of Nacogdoches County.

To be Judge of the 57th Judicial District Court for Bexar County: Everett F. Johnson, of Bexar County, to succeed Judge R. B. Minor, deceased.

To be Chief Justice of the Court of Civil Appeals for the 4th Supreme Judicial District: Judge Edward W. Smith, of Bexar County, to succeed Judge John H. Bickett, Jr., resigned.

To be Associate Justice of the Court of Civil Appeals for the 4th Supreme Judicial District: Robert Lee Bobbitt, of Webb County, to succeed Judge Edward W. Smith, appointed as Chief Justice of said court.

To be State Reclamation Engineer: Ashley G. Classen, of El Paso County, to succeed A. M. Vance.

To be Members of the Board of Directors of the Central Colorado River Authority: Joe B. Pouns, of Coleman County; Dr. T. Richard Sealy, of Coleman County; H. E. Evans, of Coleman County.

To be State Auditor and Efficiency Expert: Orville S. Carpenter, of Dallas County, to succeed George B. Simpson, effective July 31, 1935.

To be Member of Board of Regents of Agricultural and Mechanical College: Roy B. Davis, of Hale County,

to succeed Guy T. Anderson, deceased.

To be Associate Justice of the Court of Civil Appeals at Fort Worth for the 2nd Supreme Judicial District: Judge P. A. Martin, of Wichita County, to succeed Judge Hal S. Lattimore, resigned, effective September 6, 1935.

To be Judge of the 89th District Court: Ernest Robertson, of Wichita County, to succeed Judge P. A. Martin, appointed Associate Justice of the Court of Civil Appeals at Fort Worth for the 2nd Supreme Judicial District.

To be Members of the Game, Fish and Oyster Commission: Chairman: Jess L. Showers, of Wilbarger County, to succeed E. A. Wood, of Travis County. Member: Jack O'Brien, of Bexar County, to succeed Murrell L. Buckner, of Dallas County.

To be Members of Public Safety Commission: Albert Sidney Johnson, of Dallas County; Ernest Goens, of Smith County; George W. Cottingham, of Harris County.

To be Members of the State Board of Optometry: Dr. R. B. Hodges, of Tarrant County (reappointment); Dr. P. A. Preslar, of Childress County, to succeed H. G. Towle, of Scurry County.

To be Member of the Civil Judicial Council: District Judge W. C. Davis, of Brazos County, to succeed Judge P. A. Martin, of Wichita County.

To be Presiding Judge of the 8th Judicial Administrative District: District Judge George L. Davenport, of Eastland County, to succeed Judge P. A. Martin, of Wichita County.

To be Members of the State Industrial Commission: To represent employers, of labor: C. R. Miller, of Dallas County. To represent employees, of labor: George W. Fisher, of Tarrant County. To represent the general public: Everett L. Looney, of Travis County; Mrs. Martin Wright, of Bexar County; Dr. William States Jacobs, of Harris County.

To be District Attorney of the 52nd Judicial District: Harold W. Allen, of Hamilton County, to succeed Tom F. Reese, of Comanche County, resigned.

To be Secretary of State: R. B. Stanford, of McLennan County, to succeed Gerald C. Mann, of Dallas County, resigned.

To be District Attorney of the 7th Judicial District: Frank Bezoni, of Smith County, to succeed G. L. Florence, of Upshur County, resigned.

To be Member of State Board of Water Engineers: A. H. Dunlap, of Ward County (reappointment.)

To be District Judge for the 9th Special District Court of Montgomery County: Judge W. B. Browder, of Montgomery County (reappointment).

To be Judge of the 39th Judicial District: Dennis P. Ratliff, of Haskell County, to succeed Clyde Grissom, appointed as associate justice of the Court of Civil Appeals for the 11th District.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governors Nominations.

Executive Office,
Austin, Texas, Sept. 17, 1935.
To the Senate of the Forty-fourth Legislature, in First Called Session.

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Notary Public in and for Travis County, Texas: Mr. James A. Clark, of Austin, Travis County, Texas.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governors Nominations.

Executive Office,
Austin, Texas, Sept. 17, 1935.
To the Members of the Forty-fourth Legislature, in First Called Session.

Amendment 6 (on the ballot) adopted by the people at the election on August 24th requires the Legislature at the first special session after the adoption of the amendment to pass such legislation as will be necessary to adequately compensate on a salary basis fee officers referred to in said amendment in all counties

having a population of 20,000, or more, according to the last preceding Federal census.

I hereby submit to you for legislative action the entire subject matter of said amendment, which was S. J. R. 6 appearing at pages 1235-36, of the General and Special Laws of the 44th Legislature at its regular session.

It is my understanding that the author of this amendment has been working on a bill for some time. I have been happy to furnish him such assistance as I could, but have had no time to personally study the matter. It is simply submitted to you for such action as you may see fit to take.

I have been advised by United States Senator Morris Sheppard and Senator Stone and Poage that in order for the Brazos River Reclamation project (concerning which an enabling measure was passed during the regular session) to qualify for the securing of Federal funds, it will be necessary to amend existing laws in the following particulars:

1. To permit the tax diversion funds, which under the original act could only be used to discharge bonds payable to Federal agencies, to be negotiable so that they might be issuable to any other agency or holder.

2. To permit the net revenues of the district to be used to repay the loan from any agency in addition to Federal agencies.

3. That the original act required use of local relief labor; and Senator Sheppard now states in a telegram that in view of the fact that the Federal Government will find more than enough smaller projects in Texas to require use of all local relief labor and will find it necessary to use transients on the Brazos River Project, in the event of its adoption, it is imperative that this provision restricting labor on this project be changed to permit use of transients if the Federal Government deems it advisable.

4. That in view of the possibility that the Federal Government might find it necessary to allot less than thirty million dollars to the Brazos River project, provision should be made to make available the tax diversion funds in proportionately less

amounts in case less than thirty million dollars be secured.

Based on these representations, and realizing the necessity and importance of this project, I am submitting to you for immediate consideration the question of so amending the existing law as to enable this project to qualify for the securing of Federal funds.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read.

Senate Bill No. 3.

By Senators Stone, Poage, Hornsby, Sandeford, Holbrook, Sulak, Oneal, Davis and Woodruff:

S. B. No. 3, A bill to be entitled "An Act to amend Chapter 3 of the Special and General laws of the Fourth Called Session of the Forty-third Legislature and to amend Section 3 of Chapter 19; Acts of the Regular Session of the Forty-fourth Legislature to aid the Brazos River Conservation and Reclamation District, a State agency, in acquiring the necessary lands, leases, easements and/or acquittances, proper structures, and reservoirs suitable for the control of flood waters of the Brazos River watershed declared to be a public calamity, granting and donating with certain limitations to the District for a period of 20 years all of the State ad valorem taxes in the following counties, viz: Austin County, Brazoria County, Burleson County, Fort Bend County, Grimes County, Waller County, Washington County, Brazos County, Milam County, and Robertson County; said grant being contingent upon the receiving by said district of a grant and/or loan and/or allotment from the United States of America or others on or before January 1st, 1937, of a sum reasonably sufficient to effect the purpose of this Act; authorizing the district to issue negotiable bonds, and declaring certain things incidental to said purposes, providing a penalty for the misapplication of the moneys thus donated, providing for the investment of available funds, providing for a system of accounting, providing that said tax diversion is based on 1934 valuation and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Address.

Senator Holbrook delivered an address to the Senate on the 148th anniversary of the writing of the Constitution of the United States.

Senators DeBerry, Sulak and Woodruff also spoke on the subject.

Senate Resolution No. 3.

Whereas, Hon R. M. Kleberg of Corpus Christi, a member of the Congress of the United States, is in the State Capitol today; Therefore; be it

Resolved That he be granted the privileges of the floor of the Senate and be invited to address the Senate.

PACE.

S. R. No. 3 was unanimously adopted.

The Chair appointed the following Senators to escort the distinguished visitor to the platform:

Senators Pace, Hopkins and Holbrook.

Lieutenant Governor Walter F. Woodul presented Senator Hopkins who introduced the Hon. Richard M. Kleberg who addressed the Senate.

Senate Bill No. 2.

Senator Redditt moved that the Senate do not concur in House amendments to S. B. No. 2 and requested the appointment of a conference committee to adjust the differences between the two houses.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following Senators on the Conference Committee on S. B. No. 2:

Senators Redditt, Rawlings, Pace, Regan and Small.

Bill Referred.

H. B. No. 6 was referred to the Committee on Finance.

Adjournment.

Senator Pace at 11:45 o'clock a. m., moved that the Senate adjourn until 10 o'clock a. m., Wednesday.

The motion prevailed.

APPENDIX.**Petitions and Memorials.**

(Telegram.)

Washington D. C., Sept. 16, 1935.
Lieutenant Governor Walter F.
Woodul, Austin, Texas.

Hopkins advises his approval of Brazos project. Matter next goes before President then Comptroller General and in event of favorable action by these officials to Mr. Drought for decision as to how much or all the project can be carried out by him, in meantime earliest possible action by Legislature along lines suggested by me in wire to Senator Stone and Mr. Mims on last Saturday necessary to place project in readiness for action so far as State Legislature is concerned.

MORRIS SHEPPARD.

Resolution No. 11.

Be it unanimously resolved that we favor legislation for the summary collection of delinquent taxes without the cumbersome, dilatory and costly procedure as now followed through foreclosure suits in the district courts; Provided, however, that none of the safe-guards as to notices, rights to redeem, etc., as existing under present laws shall in any respect whatsoever be either abrogated or lessened.

The State of Texas
County of Cameron

I, Oscar C. Dancy, County Judge of Cameron County, and Secretary of the South Texas County Judges & Commissioners' Association, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 11, as unanimously adopted by the South Texas County Judges and Commissioners' Association at its last semi-annual meeting, held at the Plaza Hotel, in San Antonio, Texas, on July 18th and 19th, A. D. 1935.

Witness my hand at Brownsville, Texas, this 13th day of September, A. D. 1935.

OSCAR C. DANCY,
Secretary, South Texas County
Judges and Commissioners' Association.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Sept. 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,
September 18, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-----------|-------------|
| Beck. | Oneal. |
| Blackert. | Pace. |
| Burns. | Poage. |
| Collie. | Rawlings. |
| Cotten. | Redditt. |
| Davis. | Regan. |
| DeBerry. | Sanderford. |
| Hill. | Shivers. |
| Holbrook. | Small. |
| Hopkins. | Stone. |
| Hornsby. | Sulak. |
| Isbell. | Van Zandt. |
| Martin. | Westerfeld. |
| Neal. | Woodruff. |

Absent—Excused.

Fellbaum. Moore.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Executive Session Ordered.

Senator Oneal asked unanimous consent that the Senate go into executive session at 10:10 o'clock a. m. for the purpose of considering the Governor's nominations.

Unanimous consent was granted.